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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,801	12/17/2001	Ann M. Wollrath	06502.0054-01	1256

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EXAMINER

FLEURANTIN, JEAN B

ART UNIT

PAPER NUMBER

2172

DATE MAILED: 11/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,801

Applicant(s)

WOLLRATH ET AL.

Examiner

Jean B Fleurantin

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,5-7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2172

DETAILED ACTION

1. Claims 1-4 and 10-13 are canceled.

Claims 5-9 are remained pending for examination.

Information Disclosure Statement

2. The references cited in the IDS, PTO-1449 have been fully considered.

Response to Preliminary Amendment

3. The supplemental preliminary amendment received on 10/23/2002 has been entered.

Drawings

4. The drawings filed on 12/17/2001 are approved by the Draftsperson under 37 CFR1.84 or 1.152 as indicated in the "Notice of Draftsperson's Patent Drawing Review," PTO-948.

Claim Rejections - 35 U.S.C. § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Claims 5-9 are rejected under 35 U.S.C. 102 (e) as being anticipated by Marchesseault

(US Pat. No. 6,343,308)("Marchesseault").

As per claim 5, Marchesseault teaches a distributed computer system, as claimed comprises a memory containing a first virtual machine (thus, a first Java version of a Java Virtual

Art Unit: 2172

Machine running on a client, which is equivalent to a memory containing a first virtual machine)
(see col. 2, lines 25-26);

a memory containing a second virtual machine executing a process that receives (thus, wherein the applet includes at least one call to an object class associated with a second Java version of the Java Virtual Machine; which is readable as a second virtual machine executing a process that receives) (see col. 12, lines 1-3), from the first machine, a registration of interest in an event and transmits a message in response to the occurrence of the event, the registration of interest and the message including computer code (thus, a computer usable medium having first computer readable program code means embodied in said medium for downloading the applet to the client wherein the applet includes each object class called within the applet, the computer usable medium having second computer readable program code means embodied in said medium for downloading to the client a class interface having at least one respective identifier for the object class associated with the second Java version of the Java Virtual Machine called by the applet; which is readable as a registration of interest in an event and transmits a message in response to the occurrence of the event, the registration of interest and the message including computer code) (see col. 14, lines 32);

a memory containing a third virtual machine for receiving the message and executing the computer code (thus, the Java version 1.1 or higher classes are not loaded and verified when the version 1.0 classes and class interfaces are loaded once the Java version 1.0 classes and class interfaces are loaded, the applet executes and determines whether or not to load the version 1.1

Art Unit: 2172

classes, if the applet determines that it is running within a version 1.1 JVM it will load and validate the Java version 1.1 classes; which is readable as a memory containing a third virtual machine for receiving the message and executing the computer code)(see col. 6, lines 21-27);

processors for running the first virtual machine, the second virtual machine, and the third virtual machine (thus, executing an applet within a first Java version of a JVM running on a client wherein the applet includes at least one call to a second Java version object class are provided a request to activate an applet is made to a server hosting the applet from a client, the Java applet, containing calls to various object classes, is then downloaded to the client a class interface having a respective identifier for each respective second Java version object class called by the applet is also downloaded to the client; which is readable as processors for running the first virtual machine, the second virtual machine, and the third virtual machine) (see col. 2, lines 24-30).

As per claim 6, Marchesseault teaches a distributed computer system, as claimed wherein the message transmitted by the second virtual machine is a generic notify method (thus, executing an applet within a first Java version of a JVM running on a client, wherein the applet includes at least one call to a second Java version object class are provided; which is readable as the message transmitted by the second virtual machine is a generic notify method)(see col. 2, lines 24-33).

As per claim 7, the limitations of claim 7 are rejected in the analysis of claim 5, and this claim is rejected on that basis.

Art Unit: 2172

As per claim 8, Marchesseault teaches a distributed computer system as claimed, wherein each said virtual machine is on a separate computer (thus, a method of executing an applet within a first Java version of a Java Virtual Machine running on a client, which is equivalent to virtual machine is on a separate computer)(see col. 11, lines 66-67).

As per claim 9, Marchesseault teaches a distributed computer system as claimed, wherein the computer is implemented in an object (thus, wherein the application includes at least one call to an object class of a second version of the runtime system, which is equivalent to computer is implemented in an object)(see col. 2, lines 4-6).

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Caney et al. US Pat. No. 5,774,729 relates to method systems in the field of program execution management in computer system. Silver et al. US Pat. No. 6,003,050 relates to integrating a platform portable virtual machine.

Conclusion

7. Any inquiry concerning this communication from examiner should be directed to Jean Bolte Fleurantin at (703) 308-6718. The examiner can normally be reached on Monday through Friday from 7:30 A.M. to 6:00 P.M.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Mrs. KIM VU can be reached at (703) 305-8449. The FAX phone numbers for the Group 2100 Customer Service Center are: ***After Final (703) 746-7238, Official (703) 746-7239,***

Art Unit: 2172

and *Non-Official* (703) 746-7240. NOTE: Documents transmitted by facsimile will be entered as official documents on the file wrapper unless clearly marked "**DRAFT**".

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2100 Customer Service Center receptionist whose telephone numbers are (703) 306-5631, (703) 306-5632, (703) 306-5633.



Jean Bolte Fleurantin

October 31, 2002

JBF/


SHAHID AL ALAM
PATENT EXAMINER